

SUSANIN, WIDMAN & BRENNAN, P.C.  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

George R. Laufenberg	:	
	:	
Plaintiff,	:	
	:	Civil Action No. 2:17-cv-01200
v.	:	
	:	
Northeast Carpenters' Funds	:	
a/k/a Northeast Regional Council of	:	
Carpenters, et al.	:	
Defendants.	:	
	:	

**RESPONSE TO PLAINTIFF'S MOTION FOR RECONSIDERATION**

By and through its undersigned attorneys, the Northeast Carpenters Pension Fund, the Northeast Carpenters Annuity Fund, and the Northeast Carpenters Health Fund, which are the successors in interest to the New Jersey Carpenters Pension Fund, the New Jersey Carpenters Annuity Fund, and the New Jersey Carpenters Health Fund (collectively, the "Benefit Fund Defendants")<sup>1</sup> and the Trustees thereof (the "Trustee

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<sup>1</sup> The Complaint names the following benefit funds as defendants: Northeast Carpenters Funds a/k/a Northeast Regional Council of Carpenters; New Jersey Carpenters Health Fund; New Jersey Carpenters Fund; New Jersey Carpenters Pension Fund. This identification of the defendant Funds appears to be the result of clerical errors, as there is no legal entity known as the Northeast Carpenters Funds a/k/a Northeast Regional Council of Carpenters and, although the body of the Complaint contains allegations against Carpenters Annuity Fund, no such defendant is named in the caption or summons. Accordingly, in the interest of time, we have deemed the defendant identified as "New Jersey Carpenters Fund" to be the "New

Defendants")<sup>2</sup> hereby file this response to Plaintiff's Motion for Reconsideration, the hearing date for which is set for December 18, 2017. For the reasons stated in the accompanying Memorandum of Law, Defendants request that the Court grant leave to the Benefit Fund Defendants and Trustee Defendants to file their former Counterclaims as a new Complaint and accordingly direct the Plaintiff to assert Count I of his Amended Complaint as a Counterclaim and only against the Benefit Fund Defendants and the Trustee Defendants *in their official capacity*.

Respectfully submitted,

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Jersey Carpenters Annuity Fund," and we are responding on behalf of the Northeast Carpenters Pension, Annuity, and Health Funds, which were formed by the January 1, 2016 mergers of the New Jersey Carpenters Pension, Annuity, and Health Funds and the Empire Carpenters Pension, Annuity, and Health Funds, respectively (hereinafter, "the Merger Date").

<sup>2</sup> The Amended Complaint does purport to name each of the Trustees in his individual capacity; however, none of the allegations state a claim for individual liability against any of the Trustees nor have any of the Trustees been served as individuals. This pleading is also filed on behalf of Peter Woodward, who is named as a Trustee Defendant, although he is not a member of the Board of Trustees of the Northeast Carpenters Pension Fund, Annuity Fund, or Health Fund.